

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**JANUARY 20, 2015**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**6:45 P.M.**

## **OPEN FORUM**

### **RISE Mayoral Academy**

**Steven Vowels hoped that the Town Council will go ahead and place on an agenda discussion about the Mayoral Academy.**

### **Nicholson Report on Tax Assessor's Office and Finance Department**

**Mr. Vowels also was hopeful that Mr. Nicholson was being pressured to submit his report as soon as possible especially in order to understand any ramifications to the town's budget.**

### **Audit Report**

**Michael Clifford hoped that when the audit report is presented and if it does show a deficit, the auditors can explain where the deficit came from.**

### **Minutes of October 20, 2014**

**John Flaherty stated there was a considerable amount of information conveyed by Mr. Nicholson that is not reflected in the minutes. Although he understands the minutes are not a transcript, Mr. Flaherty suggested that the conversation be included.**

## **REGULAR MEETING**

**The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. Alter, Ms. Alves, Mrs. Nadeau, Mr. Zwolenski and Mr. Boucher. Town Administrator Hamilton and Town Solicitor Iglioizzi were also in attendance.**

## **SECONDHAND DEALERS LICENSE - KRAZY DAISY**

**Mrs. Christine Keene explained that she is moving her business within town and is requesting a license for her new location.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve a secondhand license for Christine Keene d/b/a Krazy Daisy Fashion Consignment located at 706 St. Paul Street.**

## **ABATEMENTS**

**Tax Assessor David Dolce noted that all the abatements have been reviewed by him and the Assessor's Board of Review.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to approve abatements in the amount of \$22,685.12 based upon the review by Mr. Dolce and the Town Administrator.**

## **PUBLIC HEARING RE: PROPOSED ZONE CHANGE FOR ASSESSOR'S PLAT 8, LOT 30 (48 FARM ST.)**

**The applicant, The Cheryl E. Branchaud Living Trust, owner of the**

property located at 48 Farm Street, designated as Assessor's Plat 8, Lot 30, is petitioning for a zoning map amendment to change the map designation from RA to MU-1.

Attorney for the petitioner, Eric Brainsky, commented this zone change was to make the parcel consistent with the Comprehensive Plan. The Planning Board has reviewed the proposal, has found it consistent with the Comprehensive Plan, and recommends approval of the zoning change.

Mr. Zwolenski questioned if the Planning Board reviewed other elements of the Comprehensive Plan in regards to this petition.

Mr. Ericson responded it did not because the map would be the overruling factor.

Mr. Zwolenski asked what would be the purpose of changing to MU-1.

Mr. Brainsky responded that it is currently inconsistent with the Comprehensive Plan. If his client was looking to acquire a loan on the property, banks are looking at planning and zoning ordinances.

Mr. Branchaud, owner of the property, stated that at this time he had no idea what he would be doing with the property. He's getting to an age where he is considering selling the property and would like it to be consistent with the Comprehensive Plan.

**Mary Silva of 1 Premisy Hill was concerned about the change as she does not know what the purpose is and what could go in there.**

**Michael Rapko of 25 Old Greenville Road stated that usually in a change of zone there is an intent. It could affect the value of property. Also he questioned if there was any connection to the Green property next door, a conservation area.**

**Ellen Puccetti of Woonsocket Hill Road, representing Northern Green Holdings, owner of the abutting property, commented that the development rights were sold to the State of Rhode Island to keep it as farmland in perpetuity.**

**Town Planner Robert Ericson, in response to Mr. Rapko's comment, stated it was not unusual to change a zone without a specific project. The map is the map and you cannot change any other zone unless you process the Comprehensive Plan recommended zone change first. The Council can approve this petition, approve it with restrictions or reject it. Whatever happens, there is a next step in the process. There is no reason why you cannot have an MU-1 zone next to conservation land.**

**In response to a question from Mr. Zwolenski, Mr. Ericson stated he did not believe sewer and water infrastructure was required in MU-1 but in this particular area, density is such that you couldn't do it any other way.**

**Mr. Brainsky said to the Council they are charged this evening with considering a change of zone for the property not development of it. Any future development of the land would have to comply with all of the zoning and subdivision regulations concerning its use. He cited certain sections from the RI Comprehensive Planning and Land Use Act and State Zoning Ordinances which he felt supported his position.**

**Town Solicitor Iglioizzi added that the Town Council had public hearings on the amendments to the Comprehensive Plan that led to its approval. Under state law you are then supposed to change your zones to comply.**

**Mr. Brainsky is amenable to any restrictions complying with the zoning ordinance but not amenable to any other restrictions.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue the public hearing to February 17, 2015.**

#### **ORDINANCE RE: TAX STABILIZATION FOR SENIOR CITIZENS**

**MOTION by Mr. Alter, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to table this discussion to the February 2nd meeting.**

## **BROOKSIDE EQUESTRIAN CENTER SOLAR PROJECT REQUEST FOR TAX EXEMPTION**

**Mr. Alan Shoer of the law firm Adler Pollock & Sheehan stated his client was looking for authorization from the Town Council for a 60 percent tax reduction related to the value of the solar energy equipment, not the real estate. The project will take approximately three months to build and there will be no heavy construction. There will be no full-time jobs once the construction is completed.**

**Mr. Ian Palmer of New Energy Equity LLC stated for the first fifteen years he has a contract with National Grid who pays for the electricity for their power plant. The electricity stays locally. More than half of the electricity will be used at the Brookside Equestrian Center. After fifteen years they also have an additional takeover contract with Holliston Sand.**

**It was noted that there will be a security arrangement to decommission the equipment if that becomes necessary.**

**Mr. Zwolenski asked for a site plan map showing topography and existing conditions.**

**Michael Clifford commented that if this equipment will be taxed as tangible property, the town is automatically giving up five percent for the first thirteen years. That could be a substantial tax loss. Mr. Clifford felt the Council should get a fiscal impact statement from the**

**Assessor.**

**Mr. Shoer noted that the project would cost \$1.5 million to build.**

**In response to a question from Ms. Alves, Mr. Palmer responded that the project is expected to generate \$20,000 per month in revenue for fifteen years and they do pay federal and state taxes on that.**

**Steven Vowels questioned what would happen if either prior to or after the fifteen-year period Brookside Equestrian decides to sell out.**

**Mr. Palmer responded that his company has a land lease with Brookside for fifteen years with two five-year options and the lease stays with the property.**

**Michael Rapko felt the solar panels should be taxed at the tangible property tax rate and not the real estate or commercial rate. He also questioned the access because right now there is litigation going on between some of the abutters. Mr. Rapko also mentioned the possibility of sand and gravel being removed from the site. He urged the Council members to review comments made by former Council member Edward Yazbak at a prior meeting.**

**There was a response that there would be no sand or gravel removed.**

**Mr. Shoer added that they will still have to follow Planning Board and Zoning Board processes.**

**MOTION by Mr. Zwolenski and seconded by Mrs. Nadeau to continue this hearing to March 2, 2015. The motion and second were later withdrawn.**

**MOTION by Mr. Zwolenski and Mrs. Nadeau to continue the hearing for the New Energy Equity LLC, SolBright Renewable Energy, LLC and the Brookside Equestrian Center project to February 2, 2015. This motion and second were also withdrawn.**

**MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to continue this hearing to February 2, 2015 pending receipt of a fiscal impact statement from the Tax Assessor, a topography map and a site location showing where the solar fields and access roads will be located.**

#### **AWARD OF BID GASOLINE AND DIESEL FUEL**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau and voted unanimously on a roll call vote to accept the bids of Santa Buckley Energy for unleaded gasoline at a rate of plus \$0.0409 per gallon and Superior Plus Energy for diesel fuel at a rate of plus \$0.0321 per gallon.**

**This is a one-year contract dating from January 1, 2015 through**

**December 31, 2015 with the option for two one-year renewals.**

## **CONSENT AGENDA**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to table the minutes of October 20, 2014 to the meeting of February 17, 2015.**

**Mr. Zwolenski requested that the payment of bills be removed.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to accept the following: 1.) Budget Committee minutes for April 29, May 6 and 13, June 3, October 9, December 2, December 11 and 29, 2014 & January 5, 2015; 2.) Animal Control monthly report for December 2014; 3.) Animal Control yearly report for 2014; 4.) NSF&RS Inc. monthly report for December 2014; 5.) NSF&RS Inc. Annual Run report for 2014; 6.) NS Police Department monthly report for December 2014; and 7.) NS Municipal Court monthly report for December 2014.**

## **Payment of Bills**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote (Mr. Alter had stepped away for a few minutes) to approve payment of the following based upon the recommendation of the Town Administrator: General Fund - \$391,419.82; Sewer - \$13,121.35; Water - \$69,423.40; School Department - \$1,553,518.58; and Fire Department - \$195,147.00 for a total of \$2,222,630.15.**

## **APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote (Mr. Alter had stepped away for a few minutes) to approve Administrator Hamilton's appointment of Dinna Finnegan to the Economic Development Commission. This is a five-year term that expires on December 1, 2019.**

## **APPOINTMENT OF JUVENILE HEARING BOARD CO-ORDINATOR**

**Ms. Hamilton appointed Ana Cameron as the Co-ordinator of the Juvenile Hearing Board.**

## **APPOINTMENT TO PARKS AND RECREATION COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve Administrator Hamilton's appointment of Anthony Soly to the Parks and Recreation Commission. This is a two-year term that will expire on December 1, 2016.**

## **RULES OF TOWN COUNCIL**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue this discussion to February 2, 2015.**

## **TOWN SOLICITOR ENGAGEMENT AGREEMENT**

**MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted**

**unanimously on a roll call vote to approve the Town Solicitor Engagement Agreement.**

**RESIGNATION FROM REDEVELOPMENT COMMISSION - MR. RAPKO**  
**MOTION** by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote to accept the resignation of Michael Rapko from the Redevelopment Commission and to send him a thank you letter.

**RESIGNATION FROM PARKS AND RECREATION COMMISSION**  
**MOTION** by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on an aye vote to accept the resignation of Brian Barry from the Parks and Recreation Commission.

**APPOINTMENT OF TREE WARDEN**

**MOTION** by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to reappoint Stanley Zuba as the Tree Warden.

**APPOINTMENT OF DEPUTY TOWN CLERK - MS. BUTTIE**

**MOTION** by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote to approve Ms. Hamilton's appointment of Joanne Buttie as the Deputy Town Clerk.

**APPOINTMENT OF FINANCE DIRECTOR - MR. PARMELEE**

**Ms. Hamilton informed the Council she has appointed Jason**

**Parmelee as the new Finance Director, replacing Brenda MacDonald.**

**Ms. Alves had concerns that Mr. Parmelee is a former employee of the town's auditing firm. She wants to be sure there is transparency and would like to place on a future agenda discussion about possibly dissolving the contract with Parmelee Poirier and hiring a new auditing firm.**

#### **APPOINTMENT OF BUILDING OFFICIAL - MR. CAMBIO**

**Ms. Hamilton has appointed James Cambio as the Building Official, replacing Robert Benoit who has retired.**

#### **APPOINTMENT OF TAX ASSESSOR**

**Ms. Hamilton has appointed David Dolce as the Tax Assessor, replacing Tammy Boss.**

**COLLECTIVE BARGAINING AGREEMENTS FOR NSTA AND NSASSP  
MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to table this discussion.**

#### **AUDIT REPORT FOR YEAR END JUNE 30, 2014**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to table this matter.**

**MOTION by Ms. Alves, seconded by Mr. Alter, and voted unanimously on an aye vote to adjourn at 9:39 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**